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CONTENTS

		Paragraphs	Page
I.	GENERAL ECONOMIC AND DEMOGRAPHIC INDICATORS . . .	1 - 14	2
II.	GENERAL POLITICAL STRUCTURE	15 - 29	3
	A. Head of State	16 - 18	3
	B. The Legislature	19 - 20	3
	C. The Executive	21 - 29	3
III.	GENERAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS	30 - 86	5
	A. Constitution	30 - 33	5
	B. Penal Code and other legislation related to human rights	34 - 53	7
	C. The Egyptian Emergency Act and principles of human rights	54 - 70	10
	D. The Egyptian Judicial Authority Act and principles of human rights	71 - 74	13
	E. Egypt's contribution to international human rights instruments	75 - 83	15
	F. Information and publicity about the human rights instruments	84 - 86	17

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I. GENERAL ECONOMIC AND DEMOGRAPHIC INDICATORS*

1. The estimated population as at 1 July 1990 was 53,200,000, comprising 27,200,000 males and 26,000,000 females. This was an increase over the 1986 census which showed 48,300,000 persons, of whom 24,700,000 were males and 23,500,000 were female and of whom 21,200,000 (44 per cent) lived in the cities and 27,000,000 in rural areas.

2. The average annual per capita income in 1990 was US$ 600.

3. The Gross National Product in 1990 was US$ 33,210,000,000.

4. The average annual ratio of inflation for the period 1980-1990 was 11.8 per cent.

5. Total foreign debt in 1990, excluding military debt, was US$ 39,885,000,000.

6. The rate of unemployment in 1990-1992 was 9 per cent.

7. The rate of illiteracy in 1990 was 52 per cent; the rate of illiteracy for females was 66 per cent.

8. Life expectancy at birth in 1990 was 60 years.

9. The infant mortality rate (under one year of age) in 1990 was 43.3 for every 1,000 live births; the infant mortality rate under the age of five was 6.1 per 1,000.

10. The rate of prenatal and perinatal maternal mortality in 1990 was 50 per every 1,000 live births.

11. The fertility rate in 1986 was 4.9 children per female.

12. The percentage of the population under the age of 15 in 1986 census was 40 per cent; the percentage of the population over 65 was 3.9 per cent.

13. According to the 1986 Census, 94.2 per cent of the population were Muslims and 5.8 per cent Christians.

14. A number of indicators were unobtainable, such as the percentage of families supported by women. Furthermore, most data are unclassified by sex. It is noteworthy that the Council for Childhood and Motherhood has established a childhood and motherhood computer and information unit. Work on the related database is under way. Subsequent reports will therefore contain more detailed and more precise information than in the present report.

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* Compiled mainly from the 1992 World Bank report.

II. GENERAL POLITICAL STRUCTURE

15. The Constitution of the Arab Republic of Egypt, promulgated in 1971, states that the Arab Republic of Egypt is a democratic socialist State and that sovereignty is for the people alone, who are the source of all authority. The political system is a multi-party system within the framework of the basic elements and principles of Egyptian society as stipulated in the Constitution.

A. Head of State

16. The head of State is the President of the Republic. He is charged with asserting the sovereignty of the people, respecting the Constitution, insuring the supremacy of the law, safeguarding national unity and the socialist gains, and maintaining the boundaries between authorities in order to ensure that they perform their role in the national effort. The President is nominated by the People's Assembly; the nomination is then referred to the people for a plebiscite.

17. The term of the presidency is six years. The President of the Republic may be re-elected.

18. Before exercising his powers, the President of the Republic takes a prescribed oath before the People's Assembly.

B. The Legislature

19. The People's Assembly exercises the legislative power and approves the general policy of the State. It also exercises control over the work of the executive authority in the manner prescribed in the Constitution. The duration of the People's Assembly term is five years from the day of its first meeting. Elections for renewal of the Assembly take place within the 60 days preceding the termination of the term. At the first meeting of its ordinary annual session the People's Assembly elects a speaker and two deputy speakers. If the seat of any of them becomes vacant, the Assembly elects a substitute to serve for the remainder of the term of office. The People's Assembly, moreover, formulates its own rules of procedure with regard to the manner in which it exercises its functions.

20. The President of the Republic has the right, in case of necessity or in exceptional cases and on the authorization of the People's Assembly upon the approval of a two-thirds majority, to issue resolutions that have the force of law. The authorization must be for a limited period of time.

C. The Executive

21. The President of the Republic assumes executive power and exercises it in the manner stipulated in the Constitution. In conjunction with the Council of Ministers, the President lays down the general policy of the State and supervises its implementation in the manner prescribed in the Constitution. He appoints the Prime Minister, his deputies, the ministers and other deputies and relieves them of their posts. The President also has the right to call a meeting of the Council of Ministers and to attend its meeting. He presides over the meetings he attends. He is entitled to demand reports from the

Ministers. In case it becomes necessary, during the recess between the sessions of the People's Assembly, to take measures which cannot be delayed, the President of the Republic would issue decisions in this respect, which would have the force of law.

22. The Government is the supreme executive and administrative organ of the State. It consists of the Prime Minister, his deputies, the ministers and their deputies. The Prime Minister supervises the work of the Government. The members of the Cabinet take an oath of office before the President of the Republic.

23. The Arab Republic of Egypt is divided into administrative units which are legal entities, among which are governorates, cities and villages. Other administrative units may be established as legal entities if the public interest so requires. Local People's Councils are gradually formed, on the level of administrative units, by direct election, with the stipulation that at least half of their numbers be workers and peasants. The law provides for the gradual transfer of authority to these councils.

24. Specialized Councils are established on the national level to assist in the formulation of the general policy of the State in all fields of national activity. These Councils come under the President of the Republic who determines their composition and functions by presidential decree.

25. The judiciary is independent. Judicial authority is exercised by courts of justice of different types and levels. These act in accordance with the law. Judges are independent, subject to no authority other than that of the law. No authority may intervene in a case or in the affairs of justice.

26. The Supreme Constitutional Court is an independent judicial body which oversees the constitutionality of laws and regulations and undertakes the interpretation of legal texts, all in accordance with the law. Members of the Constitutional Court cannot be dismissed from their positions, and only the Court itself can call its members to account in the manner prescribed by law.

27. The Socialist Public Prosecutor is charged with the responsibility of taking measures to ensure people's rights and the safety of society, to maintain socialist gains and commitment to socialist behaviour; other powers would be defined by law. He is subject to the control of the People's Assembly in the manner prescribed by law.

28. The Armed Forces and the National Defence Council are in charge of protecting the country, its territorial integrity and security. The President of the Republic presides over the Defence Council which is responsible for ensuring the safety of the country.

29. The Police are in the service of the people, and they maintain peace and security for the citizenry and preserve order, public security and morality. They also undertake such duties as are prescribed by laws and regulations.

III. GENERAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS 1/

A. Constitution

30. The Constitution of Egypt, promulgated in 1971, adverts considerable attention to human rights and underlines the need to translate them into laws, particularly in all their political and economic aspects. The following is a list of the various principles connected with the protection of human rights and contained in the Constitution:

(a) First and second parts of the Constitution:

(i) The people are the source of all authority; the people's will is in the power of Government (art. 3);

(ii) Non-exploitation, equal distribution of public duties and responsibilities and the protection of legitimate earnings (art. 4);

(iii) Political freedom and the political multi-party system (art. 5);

(iv) Equality of opportunity (art. 8);

(v) Protection of the family, childhood and motherhood and care for children and youths (arts. 9 and 10);

(vi) Equality between men and women in the political, social, and economic domains;

(vii) The right to work, credit for excellence and the prohibition of forced labour;

(viii) The right to assume public office and the inadmissibility of dismissal without recourse to disciplinary channels except in cases prescribed by law;

(ix) The right to free education at all levels, it being compulsory at the primary level; State commitment to the expansion of mandatory education to other levels (arts. 18 and 20);

(x) The right to cultural, social and health services as well as to health insurance, incapacity, unemployment and old age pensions (arts. 16 and 17);

1/ Information contained in this part of the report is based on Egypt's second periodic report to the Human Rights Committee.

(xi) Equity in the distribution of national income and guarantee of minimum wages; elimination of unemployment and worker participation in management and profit (arts. 23, 24, 25, 26 and 27);

(xii) The right to form cooperatives and State commitment to foster, encourage and support them within the framework of self-management (art. 28);

(xiii) The safeguarding of private property and the prohibition of its sequestration except by court decision, and the inadmissibility of expropriating it except in the public interest. It may not be nationalized except for considerations of public interest and against a fair compensation in accordance with law (art. 34);

(b) Third part of the Constitution. This part is devoted to public freedoms, rights and duties. It encompasses many of the principles enshrined in international human rights treaties. These principles are:

(i) Equality and non-discrimination on the basis of sex, origin, language, religion or belief. Citizens are equal before the law. They have equal public rights and duties (art. 40);

(ii) Rights and freedoms. These are individual freedom, the right to privacy, the inviolability of home and communications, the right and freedom of movement, emigration, creed and opinion, to elect and be elected, the press, scientific research, public meeting, associations, trade unions, and political asylum. These freedoms and rights are covered in articles 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 and 62;

(iii) The invalidity of evidence obtained through duress or coercion (art. 42);

(iv) The non-applicability of the statute of limitations to civil lawsuits arising from assaults on the rights and freedoms guaranteed by the Constitution and by law. The State is liable to pay compensation for victims of such assaults (art. 57).

31. Ever since the promulgation of the Egyptian Constitution in 1971 and its Amendments in 1980, there have been many interpretations and rulings arising from the practical and actual application of its provisions. Most of these have ultimately found their way to the Supreme Constitutional Court as the sole competent authority. It has passed many rulings which reinforced the noble and lofty values embodied in the Constitution with regard to human rights and freedoms. It has declared unconstitutional those texts that violate, contravene or impinge upon these rights.

32. It is clear, therefore, that the human rights and freedoms, as approved internationally in the various relevant instruments, are provided for in the

Constitution in clear terms, as stated above. The Constitutional Court, by overseeing, as mandated, the constitutionality of laws and regulations and interpreting legislative texts, actually safeguards human rights and freedoms against any legislative violation.

33. This integrated constitutional structure, along with the unambiguous legislative provisions and the effective judicial protection available, provides the necessary bases for stability and respect, the means for protection and continuity, and the ways for expansion and development of human rights and freedoms in Egypt. This is the ultimate fulfilment of human right declarations and conventions.

B. Penal Code and other legislation related to human rights

34. It should be stated from the outset in this connection that the Penal Code and the special criminal codes form a general framework with respect to criminal acts. These fall within one of two circles: the first has natural persons at its centre and includes all those acts affecting the rights and freedoms of the individual, his person or his property. The second has the whole of society at its centre, that is the community of individuals, and covers all those acts which constitute violations of the rights and interests of society which are protected and regulated by law.

35. Consequently, all crimes related to human rights and freedoms as defined by international instruments are punishable under Egyptian penal law. Such crimes as murder, bodily assault, kidnapping, rape, libel, torture, abuse of authority and violation of privacy are crimes affecting human rights in that they affect man spiritually and physically. Crimes such as theft, arson, fraud, deception, sabotage and wilful damage affect individuals' properties and their inviolability. Other crimes such as treason, embezzlement, bribery, forgery, false coinage, wilful damage to the country, interruption of communications and sabotage of State-owned property were instituted to protect the interests of society and the totality of its individuals for the purpose of safeguarding its security, stability and tranquillity with the aim of regulating interests and promoting confidence in mutual dealings. These are related to the rights provided for in international instruments (art. 28 of the Universal Declaration of Human Rights).

36. The second periodic report submitted to the Human Rights Committee contains a comprehensive review of Egyptian laws which secure protection for persons. The present report reviews, in particular, some of the crimes provided for in the Penal Code and in a number of other special penal laws related to the rights and freedoms of the child.

1. The Juveniles Act No. 31 of 1974

37. The crime of hiding a juvenile who has, by court order, been made the ward of a person or a body, or that of enticing or helping him to flee, is punishable by imprisonment or fine or both, parents, grandparents and spouses excluded (art. 22 of the Juvenile Act).

38. Exposing a juvenile to delinquency or helping him or enticing him thereto is punishable by imprisonment. The term of incarceration must not be less

than three months in case the perpetrator is an antecedent of the juvenile or one responsible for his upbringing or custody, or if force or coercion is used in the act (art. 23 of the Juvenile Act).

39. The penalty for these acts is in harmony with article 10 of the Egyptian Constitution and is consistent with the principles provided for in the Declaration on the Rights of the Child.

Measures and penalties applicable to juveniles

40. Article 7 of the Act prescribes the following measures and penalties that can be imposed on a juvenile who commits an offence while he is under 15 years of age: a reprimand, delivery into the care of a parent or guardian, enrolment for vocational training, the compulsory fulfilment of specified obligations, probation, placement in a social care institution, or admission to a specialized hospital.

41. Article 15 prescribes the penalties that can be imposed on a juvenile over 15 but under 18 years of age: a term of not less than 10 years' imprisonment for offences punishable by death or hard labour for life, a term of imprisonment for offences punishable by hard labour, or a term of not less than six months' detention for offences punishable by a term of imprisonment. In all these cases, the court may order the juvenile to be placed in a social care institution. For all other offences punishable by detention, the court may order the juvenile to be placed in a social care institution or under probation.

Juvenile courts and their procedures

42. The Act made provision for the establishment of special juvenile courts consisting of a single judge, assisted by two experienced social workers, at least one of whom must be a woman, whose presence during the trial proceedings is obligatory. These two assessors must report to the court on all aspects of the juvenile's circumstances before the court hands down its judgement. Under the provisions of the Act, appeals against such judgements may be lodged with a special division of the court of first instance, which follows the procedures applicable to misdemeanours. The trial proceedings can be attended only by the juvenile, witnesses and lawyers and, in cases involving felonies, a lawyer must be appointed if the juvenile does not have one to defend him. Juvenile court judges are competent to exercise supervision and control and to adjudicate in all disputes concerning execution of judgements (arts. 28, 29, 33, 34 and 40 of the Juveniles Act).

Enforcement of sentences imposed on juveniles

43. Financial penalties imposed on juveniles cannot be enforced by means of physical coercion, nor can juveniles be compelled to pay fees or expenses. Custodial sentences imposed on juveniles must be served in special penal institutions in which they are given opportunities for rehabilitation through development and reform projects (arts. 47, 48 and 49 of the Juveniles Act). The rules and regulations referred to in paragraphs 43-46 above are fully in accordance with the principles embodied in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.

2. Suppression of Prostitution Act No. 10 of 1961

44. Incitement or enticement to engage in prostitution or other indecent acts, or aiding and abetting therein, is punishable by a term of one to three years' imprisonment, together with a fine, and the amount of the fine and the length of the term of imprisonment are increased if the offence involves persons under 21 years of age or if it is committed through the use of coercion or threats (arts. 1 and 2 of the Act).

45. Anyone who incites or helps a person to enter or leave the country, or who employs or accompanies such person, for the purpose of engagement in prostitution or other indecent acts is punishable by a term of one to five years' imprisonment, together with a fine, and the maximum term of imprisonment is increased to seven years if the offence is committed against two or more persons or through the use of coercion or threats (arts. 3 and 5 of the Act).

46. If any of the offences referred to in the above paragraphs are committed against a person under 16 years of age, or if the offender holds a position of responsibility or authority as an ascendant, guardian or tutor, the penalty is a term of three to seven years' imprisonment (art. 4 of the Act).

47. Anyone who exploits the immorality of others or helps a female to engage in prostitution is punishable by imprisonment for a term of six months to three years, which is increased to a term of one to five years if the offence involves the aggravating circumstances referred to in paragraph 49 above (art. 6 of the Act).

48. Anyone who manages, leases or makes available premises to be used for prostitution or other immoral purposes, or who habitually engages in prostitution or other immoral acts, is punishable by imprisonment for a term of three months to three years and/or a fine and closure of the premises (arts. 8, 9 and 10 of the Act).

49. Anyone operating or managing a public establishment or place of entertainment who employs persons engaged in prostitution with a view to facilitating their engagement therein or using them to promote his establishment is liable to a term of up to two years' imprisonment, a fine and closure of the establishment for a period of three months and this penalty is increased, with permanent closure of the establishment, if the offender is an ascendant or guardian of, or in a position of authority over, the person engaging in prostitution (art. 11).

50. Anyone who knowingly works or normally resides in a house of prostitution is liable to a term of up to one year's imprisonment (art. 13).

51. Any form of public dissemination of an invitation inciting others to engage in prostitution or drawing their attention thereto is punishable by a term of up to three years' imprisonment and/or a fine (art. 14). The Act stipulates that a repeated offender who habitually engages in prostitution after serving a previous sentence therefore must be placed in a special reform institution and such placement may also be ordered in the case of persons who are not repeated offenders. Article 15 of the Act further stipulates that a

person convicted of any of the above-mentioned offences must be placed under police surveillance for a period equivalent to the duration of the sentence imposed.

52. From the above, it is evident that all the acts referred to in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others are designated as criminal offences for which appropriate penalties are prescribed in Egyptian law.

53. This brief review of some of the acts which are designated as criminal offences in the Egyptian Penal Code and in other special penal legislation clearly shows the extent to which this legislation is in conformity with the international instruments concerning human rights and freedoms. It also illustrates the active role which Egyptian penal legislation is playing in ensuring the legal protection of human rights and freedoms by designating any violations or infringements thereof as criminal offences for which appropriate penalties are prescribed.

C. The Egyptian Emergency Act and principles of human rights

54. States of emergency which are proclaimed in the country are regulated by article 148 of the Egyptian Constitution, which stipulates that a state of emergency can be proclaimed by the President of the Republic but must be submitted to the People's Assembly for ratification within 15 days of the date of its proclamation. The same article further stipulates that a state of emergency can be proclaimed only for a specified period of time, which can be extended solely with the approval of the People's Assembly.

55. In this connection, article 4 of the International Covenant on Civil and Political Rights stipulates that, in time of public emergency which threatens the life of the nation and the existence of which has been officially proclaimed, it is permissible to take measures derogating from the obligations arising from the Covenant. However, such measures must not derogate from the principles set forth in articles 6, 7, 8, 11, 15, 16 and 18, concerning the right to life, safeguards pertaining to the death penalty, the prohibition of torture and of slavery, servitude or imprisonment for civil debt, the legal basis of crime and punishment and recognition of legal personality and of freedom of thought and religious belief.

56. The Egyptian Legislature followed the system of pre-emergency legislation by promulgating Act No. 162 of 1958, as amended by Act No. 37 of 1972, Act No. 164 of 1981 and Act No. 50 of 1982, which contain the provisions and regulations to be applied when a state of emergency has been proclaimed in the country. These legislative instruments define the circumstances in which a state of emergency can be proclaimed, the authority competent to proclaim it, the procedure for its extension, the measures that can be taken while it is in force, the circumstances in which complaints can be lodged against it, the procedures to be followed by the emergency courts and the effects of the termination of the state of emergency. These provisions are explained in greater detail below.

Justification of the proclamation of a state of emergency

57. The Act permits the proclamation of a state of emergency in conditions in which public order and security are endangered due to the outbreak of war, the existence of a situation that threatens to lead to such an outbreak, the occurrence of disturbances within the country, general disasters or the spread of an epidemic (art. 1).

Authority competent to proclaim a state of emergency

58. A state of emergency must be proclaimed and terminated by a presidential decree stating the reason for its proclamation and specifying the area in which it will apply, as well as the date of its entry into force and its duration.

59. The decree must be submitted to the People's Assembly for ratification within 15 days. If it is not submitted to, or not approved by, the People's Assembly, the state of emergency is deemed to be terminated (art. 2 of the Act, as amended by Act No. 37 of 1972).

Extension of the state of emergency

60. A state of emergency cannot be extended beyond the period specified in the decree by which it was proclaimed without the approval of the People's Assembly. It is deemed to be terminated unless such approval is granted before the expiration of the said period (art. 2 of the Act, as amended by Act No. 37 of 1972).

Measures that can be taken during a state of emergency

61. When a state of emergency has been legally proclaimed, the President of the Republic is empowered to take appropriate measures to avert the danger threatening the country and maintain security and order. He may impose restrictions on freedom of assembly, movement and residence, order the arrest and search of suspicious persons who pose a threat to security, censor correspondence and the press, determine the working hours at public institutions, issue any work assignments, seize movable and immovable property (without prejudice to the provisions of the Mobilization Act concerning complaints and compensation), withdraw licences for firearms and explosives and evacuate or isolate any areas. The scope of these measures can be expanded only with the approval of the People's Assembly, in accordance with procedures that must be followed for the proclamation of the state of emergency itself (art. 3 of the Act).

Circumstances in which complaints can be lodged against measures taken during a state of emergency, and the rights of persons who suffer detriment as a result thereof

62. Anyone who is arrested or detained must be informed immediately of the reasons for his arrest or detention and has the right to contact any person whom he may wish to notify of what has happened. He is also entitled to avail himself of the services of a lawyer.

63. The detainee must be treated in the same way as a person held in precautionary detention.

64. The detainee, and any other persons concerned, has the right to lodge a complaint with the Higher State Security Court if he is not released within 30 days from the date of issue of the arrest warrant.

65. The court must hand down a substantiated decision on the complaint within 15 days from the date of its submission, failing which the detainee must be released immediately.

66. Any person whose complaint has been rejected has the right to submit a new complaint 30 days after the rejection of his previous complaint.

67. The Minister of the Interior has the right to appeal against a release order issued by the court. Such appeal must be heard, within 15 days of its submission, by another division whose decision is final (art. 3 bis added to Act No. 60 of 1968, as amended by Act No. 37 of 1972, Act No. 165 of 1981 and Act No. 50 of 1972).

Court competent to hear complaints against detention orders

68. The Egyptian Emergency Act makes provision for the formation of State security (emergency) courts which are competent to hear cases involving offences in violation of the provisions of decrees promulgated in connection with a state of emergency, as well as offences under the ordinary law which the President of the Republic decides to place under their jurisdiction. These courts are constituted as follows:

(a) Lower State security courts, established within the area of jurisdiction of each court of first instance and presided over by one of the latter's judges, are competent to hear cases involving offences punishable by imprisonment and/or a fine. The President of the Republic is empowered to appoint two officers as additional members of such courts;

(b) Higher State security courts, established in the area of jurisdiction of each court of appeal and presided over by three of its justices, are competent to hear offences punishable by a criminal penalty, as well as other offences specified by the President of the Republic. Two officers may be appointed as additional members of such courts by order of the President of the Republic;

(c) Actions brought before these courts are instituted by members of the Department of Public Prosecutions, who are vested with the powers of examining magistrates;

(d) These courts follow the procedures laid down in the legislation in force in regard to the hearing and judgement of cases and enforcement of the sentences handed down;

(e) Judgements handed down by State security (emergency) courts are subject to ratification by the President of the Republic and do not become

final before such ratification. If the accused is acquitted during a retrial ordered by the President of the Republic, ratification of the verdict is mandatory;

(f) Before judgements are ratified by the President of the Republic, both they and any appeals lodged against them must be examined either by a justice presiding over a court of appeal, or by a solicitor general designated to that end. They must ascertain the correctness of the procedures, examine the appeals and express their opinion, by means of a substantiated memorandum, in each criminal case;

(g) The President of the Republic is empowered to order a stay of court proceedings, to commute a sentence and to cancel or suspend the enforcement of any principal, supplementary or incidental penalty either before or after ratification (arts. 7, 9, 10, 12, 14 and 16 of the Act).

Effects of the termination of a state of emergency

69. Articles 19 and 20 of the Act specify the effects of the termination of a state of emergency on cases that are being heard by State security (emergency) courts. They stipulate that the courts must continue to hear those cases, whereas cases that have not been referred to them are heard by the ordinary courts competent to do so. The regulations concerning ratification of judgements continue to apply to judgements handed down before the termination of the state of emergency and also to judgements handed down in cases which continue to be heard by the State security (emergency) courts in accordance with the above-mentioned provision.

70. It is evident, therefore, that the principles and provisions laid down in the Egyptian Emergency Act are in conformity with article 4 of the International Covenant on Civil and Political Rights, since there is nothing in these principles and provisions which implies a violation or infringement of that article or of any of the provisions from which, under the terms thereof, no derogation is permissible during legally proclaimed states of emergency.

D. The Egyptian Judicial Authority Act and principles of human rights

71. The Egyptian Constitution stipulates that the judicial authority is independent and is exercised by courts of various kinds and levels which pass judgement in accordance with the law. Judges are independent and, in their administration of justice, are subject to no power other than that of the law. No authority has the right to interfere in legal proceedings or judicial affairs. The law specifies the conditions and procedures for the appointment and transfer of members of the judiciary, who are not subject to dismissal although their disciplinary accountability is prescribed by law (arts. 165, 166, 167 and 168 of the Constitution).

72. The international instruments concerning principles of human rights include the Basic Principles on the Independence of the Judiciary, endorsed by

United Nations General Assembly resolutions 40/132 of 29 November 1985 and 40/146 of 13 December 1985. Those Principles relate to judicial immunity, conditions of appointment, qualifications, term of office, promotion, discipline and removal.

73. The Judicial Authority Act No. 46 of 1972, as amended by Acts No. 17 of 1974, No. 96 of 1976 and No. 25 of 1984, embodies these fundamental concepts recognized in the Egyptian Constitution and the Basic Principles on the Independence of the Judiciary, as illustrated by the following:

(a) The competence of the courts to adjudicate in all disputes and offences, unless otherwise stipulated by special enactment, is defined by law (arts. 14 and 15 of the Act);

(b) Judges cannot be transferred, reassigned or seconded except in the circumstances and the manner prescribed by law (art. 52 of the Act);

(c) Members of the judiciary and the Department of Public Prosecutions, with the exception of prosecution assistants are not subject to dismissal (art. 67 of the Act);

(d) The general assemblies formed at each court and consisting of all its members are responsible for allocating and scheduling work, determining the number of divisions and sessions of the court and delegating its members to work in the criminal courts (art. 30 of the Act);

(e) The Higher Council of the Judiciary is legally competent to hear all matters relating to the appointment, promotion, transfer, assignment and secondment of members of the judiciary and the Department of Public Prosecutions, as well as other matters concerning them, in the manner prescribed by law. The Council is presided over by the president of the Court of Cassation and includes among its members the president of the Cairo Court of Appeal, the Attorney General, the two most senior vice-presidents of the Court of Cassation and the two most senior presidents of the other courts of appeal (arts. 77 <u>bis</u> (1) and 77 <u>bis</u> (2) of the Act);

(f) Only the civil divisions of the Court of Cassation are competent to hear applications submitted by members of the judiciary and the Department of Public Prosecutions for the annulment of final administrative decisions concerning their affairs. Those divisions are also vested with sole competence to hear applications for compensation and disputes concerning salaries, pensions and allowances (art. 83 of the Act);

(g) The disciplinary control of judges is exercised by a special board consisting of the president of the Court of Cassation, the three most senior presidents of the courts of appeal and the three most senior chief justices of the Court of Cassation. The meetings of the board are held <u>in camera</u> and its decisions concerning removal from office require ratification by the President of the Republic, which is published in the Official Gazette (arts. 98, 106, 108 and 110 of the Act);

(h) Except in cases of <u>flagrante delicto</u>, a judge cannot be arrested or held in precautionary detention unless permission has been obtained from a

special committee. In cases of flagrante delicto, the matter must be referred within 24 hours to the said committee, which is vested with sole competence to order the continued detention or release of the judge. No investigative action may be taken in criminal matters without the approval of the said committee. Custodial sentences imposed on judges must be served in special institutions (art. 96 of the Act).

74. The principles concerning the independence of the judiciary, as contained in the above-mentioned Judicial Authority Act, are in conformity with the provisions of the Egyptian Constitution and the principles adopted by the General Assembly of the United Nations in this regard.

E. Egypt's contribution to international human rights instruments

75. Throughout its long history and by virtue of its geographical location at the junction of three continents, Egypt has been an active member of the international community and has been affected by events taking place in all parts of the world. It has also done its utmost to contribute to the consolidation of the values of truth and justice and to the advancement, development, freedom and self-determination of all peoples.

76. Egypt's time-honoured cultural heritage and historical experience over the ages have constituted the powerful driving force behind its active endeavours in this field, as a natural result of which Egypt has been among the most active members of the international community diligently seeking to promote the principles of human rights and ensure that they are enjoyed by all the peoples of the world.

77. In keeping with its civilized view of the future of mankind as a whole and its firm belief in the noble aim of safeguarding human dignity, rights and freedoms, Egypt has promptly acceded to most of the international declarations and instruments in this regard. It has also played an effective role in the adoption of the African Charter on Human and Peoples' Rights and in the current preparation for the adoption of the Charter of Human Rights of the Arab and Islamic States.

78. The international human rights instruments to which Egypt has acceded are:

(a) The International Covenant on Economic, Social and Cultural Rights (United Nations, New York, 16 December 1966);

(b) The International Covenant on Civil and Political Rights (United Nations, New York, 16 December 1966);

(c) The International Convention on the Elimination of All Forms of Racial Discrimination (United Nations, New York, 21 December 1965);

(d) The International Convention on the Suppression and Punishment of the Crime of Apartheid (United Nations, New York, 30 November 1973);

(e) The International Convention against Apartheid in Sports (United Nations, 10 December 1985);

(f) The Convention on the Elimination of All Forms of Discrimination against Women (United Nations, 18 December 1979);

(g) The Convention on the Prevention and Punishment of the Crime of Genocide (United Nations, New York, 9 December 1948);

(h) The Slavery Convention (Geneva, 25 September 1926);

(i) The Protocol amending the Slavery Convention signed at Geneva on 25 September 1926) (United Nations, New York, 23 October 1953);

(j) The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Geneva, 7 September 1956);

(k) The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (United Nations, New York, 2 December 1949);

(l) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Nations, New York, 10 December 1984);

(m) The Convention relating to the Status of Refugees (Geneva, 28 July 1951);

(n) The Protocol relating to the Status of Refugees (New York, 31 January 1967);

(o) The Convention on the Political Rights of Women (United Nations, New York, 20 December 1952);

(p) The Forced Labour Convention (Geneva, 22 June 1930);

(q) The Convention on the Rights of the Child (New York, 20 November 1989).

79. Following its accession to those international instruments and completion of the requisite constitutional procedures, those instruments became part of the law in force in the country since article 151 of the Egyptian Constitution stipulates that conventions concluded by the President of the Republic and transmitted to the People's Assembly together with an appropriate explanation have the effect of law after their ratification and publication in Arabic in the Official Gazette in accordance with the prescribed procedures.

80. The above clearly illustrates Egypt's active and effective contribution to international instruments concerning human rights and freedoms. It also highlights Egypt's eager desire to secure legal protection for these rights through the codification of the relevant principles in explicit international instruments in order to ensure that they are respected and developed.

81. Within the context of Egypt's commitment to the international human rights instruments, we wish to emphasize Egypt's political commitment to the

right of all peoples to self-determination, as stipulated in those instruments. In international forums, Egypt is stressing the need to respect that right and, in keeping with its historical responsibility, is making every endeavour, within the framework of international law, to secure recognition of the legitimate and inalienable rights of the Palestinian people so that, like all other peoples of the world, it can exercise its right to self-determination in accordance with international law.

82. All States have a direct and undeniable interest in the achievement of a just, comprehensive and lasting settlement of the Arab-Israeli conflict in a manner consistent with the legitimate and inalienable rights of all peoples, including the Palestinian people and its right to self-determination, with a view to establishing peace and safeguarding the security of all States, including the State of Israel, through a mutual recognition of rights on a basis of equality, justice and respect for sovereignty, independence and territorial integrity in accordance with the principles of contemporary international law.

83. Through this brief review of the position of the Egyptian Constitution and some Egyptian legislation in regard to principles of human rights and freedoms and the extent to which the Constitution and the law of Egypt are consistent with the provisions contained in the relevant international instruments, we can affirm the following:

(a) All principles of human rights and freedoms are accorded high status in Egypt's Constitution and legislation;

(b) Respect for these principles and rights is ensured by the legal protection that they enjoy, as illustrated by the judicial control of the constitutionality of legislation through the Supreme Constitutional Court and the independence of the judiciary which is competent to hear complaints concerning violations of these rights;

(c) Egypt's contribution to international human rights instruments, through its accession thereto, accords these instruments the same status as the legislation in force in the country and places all national authorities and bodies under an obligation to comply with their provisions;

(d) The important role that the Supreme Constitutional Court is playing by upholding the constitutionally recognized human rights and freedoms and ensuring that the legislation promulgated is consistent with those provisions reflects the deep concern that Egypt is showing for human rights and freedoms and confirms its desire to lay the foundations for the future in such a way as to safeguard and protect these rights.

F. Information and publicity about the human rights instruments

84. The Human Rights instruments, which have already been signed by many States, are amongst the greatest achievements of the international community. Therefore, the Egyptian Ministry of Information, in collaboration with other departments concerned, is doing everything it can to acquaint people with their rights and with ways of safeguarding the gains accomplished, as well as

with ways of protecting them against whatever may violate these rights, be they individuals or shortcomings in society or performance deficiencies on the part of the departments concerned.

85. Since audio-visual messages are the forms of media transmission closest to the conscience of contemporary man, the state media have concentrated on this form of communication in order to ensure that the messages easily reach the targeted groups and accomplish their objectives. The Egyptian Broadcasting Authority, along with various television channels, has produced a variety of comprehensive education programmes in this regard. Each episode in these programmes has been devoted to a message addressed to a specific group such as that of politicians and decision-makers, children, women, and workers or peasants. The programmes have covered people of all categories and have involved all radio and television channels.

86. The Egyptian Human Rights Society, a non-governmental organization based in Cairo, has been publishing a periodic bulletin covering events and elaborating on the content and means of implementation of the provisions of the instruments and related problems.